



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,852	10/30/2003	Martin Weiss	20073	2851
23470 7590 09/20/2007 SRAM CORPORATION 1333 N. KINGSBURY, 4TH FLOOR CHICAGO, IL 60622			EXAMINER LUONG, VINH	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/605,852	WEISS, MARTIN	
	Examiner	Art Unit	
	Vinh T. Luong	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 5-14, 20 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 19, 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

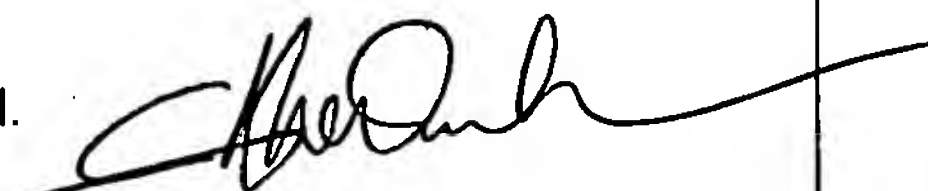
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> . |

Art Unit: 3682

1. A request for continued examination (RCE) under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 2, 2007 has been entered.
2. The restriction requirement and the election in the parent application are carried over to the instant RCE application.
3. Claims 1-3, 5-14, 20, and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 2, 2005.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 15-18, 21, 22, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita (US Patent No. 5,946,978).

Regarding claim 15, Yamashita teaches a control cable adjustment device 12 for adjusting a control cable 14b extending between a control mechanism 16 (FIG. 1) and an operating mechanism 18, the adjustment device comprising:

an adjuster 40 having an axial bore 70 (FIG. 7. *Ibid.* col. 4, line 58+), the adjuster 40 rotatably connected to a housing 50 of the control mechanism 16 such that the adjuster 40 is axially moved relative to the housing 50 in response to rotation of the adjuster 40; and

Art Unit: 3682

a detent mechanism including a *partially* radial interior detent contour 80 (*id.* col. 5, lines 18-30. See Attachment hereinafter “Att.”) extending axially within the bore 70 and a spring element 42 having at least one retention segment 95 (FIG. 10) *partially* extending axially within the bore 80 (FIG. 5) and a support segment 93, the retention segment 95 of the spring element 42 engaging the detent contour 80 from within the contour 80 (FIG. 5, *id.* col. 5, lines 25-30 and col. 6, lines 53-64), the support segment 93 of the spring element 42 supported by the housing 50 (FIG. 4). *Ibid.*, claims 1-17.

Claim 15 and other claims below are anticipated by Yamashita because Yamashita teaches each and every claimed element in the claims. In the instant case, Claim 15 does not require the *totally* radial interior detent contour extending within the bore, and the retention segment *totally* extending axially within the bore. Therefore, Yamashita’s detent contour 80, which is *partially* radially interior contour and *partially* extends axially within the bore 70 as seen in Yamashita’s FIGS. 5 and 7 “reads on” the claimed detent contour, and Yamashita’s retention segment 95, which *partially* extends axially within the bore 80 as seen in Yamashita’s FIG. 5, “reads on” the claimed retention segment. It is well settled that anticipation law requires distinction be made between invention described or taught and invention claimed. It does not require that the reference “teach” what subject patent application teaches, it is only necessary that the claim under attack, as construed by the Court, “read on” something disclosed in the reference, i.e., all limitations of the claim are found in reference, or are “fully met” by it. *Kalman v. Kimberly Clark Corp.*, 218 USPQ 781, 789 (CAFC 1983).

Regarding claim 16, the detent contour 80 has a non-round cross section (FIG. 5) and is configured such that the retention segment 95 has freedom to deflect, the retention segment 95 is

Art Unit: 3682

configured to extend substantially parallel with the control cable 14b extending through the adjuster 40 (see FIG. 3 in Att.).

Regarding claim 17, the detent contour 80 includes varying surfaces (FIG. 5) configured to engage the retention segment 95 such that rotation of the adjuster 40 in a first direction inherently requires a higher rotational force than rotation of the adjuster 40 in a second direction.

Regarding claim 18, the detent contour 80 has flutes or grooves 80 (see Att.) extending in an axial direction of the adjuster 40.

Regarding claim 21, the retention segment 95 and the support segment 93 of the spring element 42 are loaded primarily flexurally.

Regarding claim 22, the adjuster 40 has a continuous periphery and a thread 78 for matingly engaging the housing 50, the detent contour 80 extends coaxially with the adjuster thread 78.

Regarding claim 25, the retention segment 95 deformably traverses along the detent contour 80 within the adjuster 40 (in order to engage either the same channel or another channel formed longitudinally along the threads 78 of the adjuster 40). *Ibid.* col. 6, lines 53-64.

6. Claims 19 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments filed July 2, 2007 have been fully considered but they are not persuasive.

Applicant contended:

Claim 15 has been amended to clarify that both the retention segment of the spring element, and its mating detent

Art Unit: 3682

contour, are within and extend axially along the adjuster bore. On the contrary, the indexing spring 42 of Yamashita extends along the exterior of the adjusting member 40 such that the nose portion 95 of the spring 42 *necessarily* "will be deflected or biased radially *outwardly* from one of the channels 80 or 82 and then ride along the *exterior* surface or threads 78 of the adjusting member 40." see col. 6, lines 54-57 (emphasis added). Accordingly, Yamashita fails to disclose a detent mechanism that includes a radially interior detent contour extending axially within a bore of the adjuster and a spring element having at least one retention segment extending axially within the bore. Therefore, the rejection of claim 15 should be withdrawn.

The Examiner respectfully that Yamashita describes that the nose portion 95 of the spring 42 engages the channel 80 of the adjuster 40. Yamashita, col. 5, lines 18-30; col. 6, lines 53-64; and Claim 7. Moreover, Yamashita's detent contour 80 is *partially* radial interior and *partially* extends axially within the bore 70 as seen in FIGS. 5 and 7. Consequently, the channel 80 and the nose 95 of Yamashita "read on" the limitations "a detent radial interior contour extending axially within the bore" and "at least one retention segment extending axially within the bore" in amended claim 15. Thus, amended Claims 15-18, 21, 22, and 25 are unpatentable over the art of record. *Kalman v. Kimberly Clark Corp., supra*.

For the foregoing, the Examiner respectfully submits that this application is not in the condition for allowance.

8. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114.

Art Unit: 3682

See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

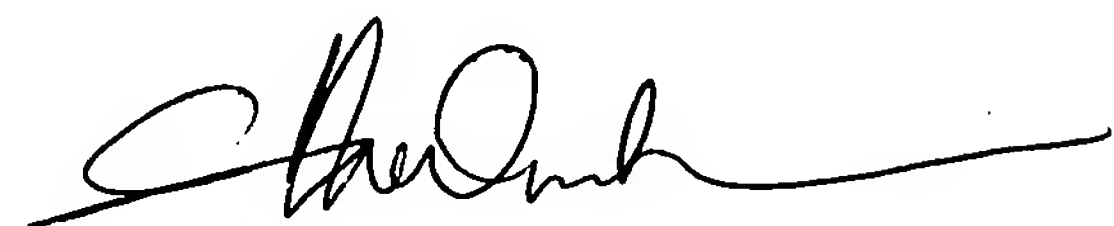
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

September 17, 2007



Vinh T. Luong
Primary Examiner

ATTACHMENT

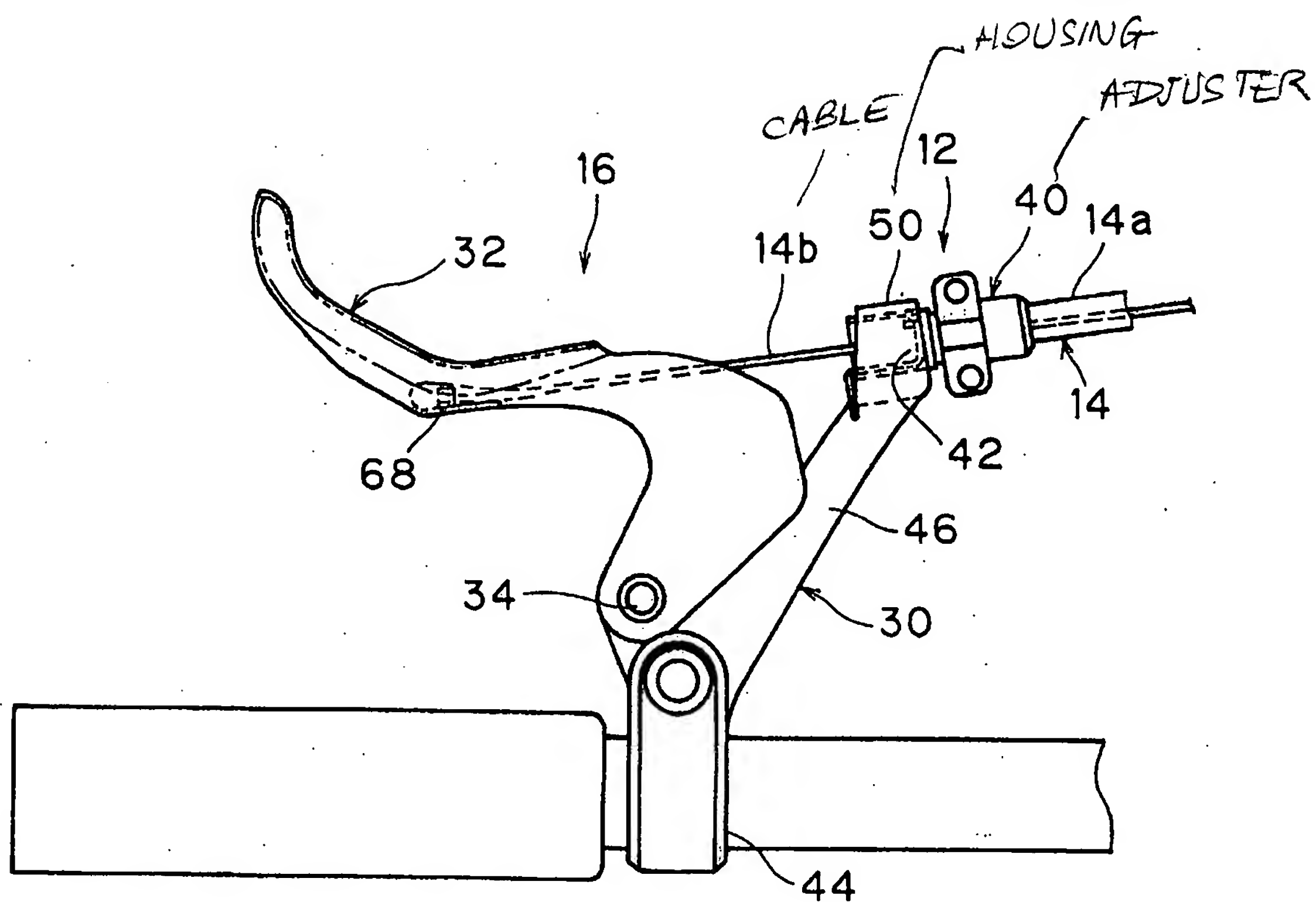


Fig. 3

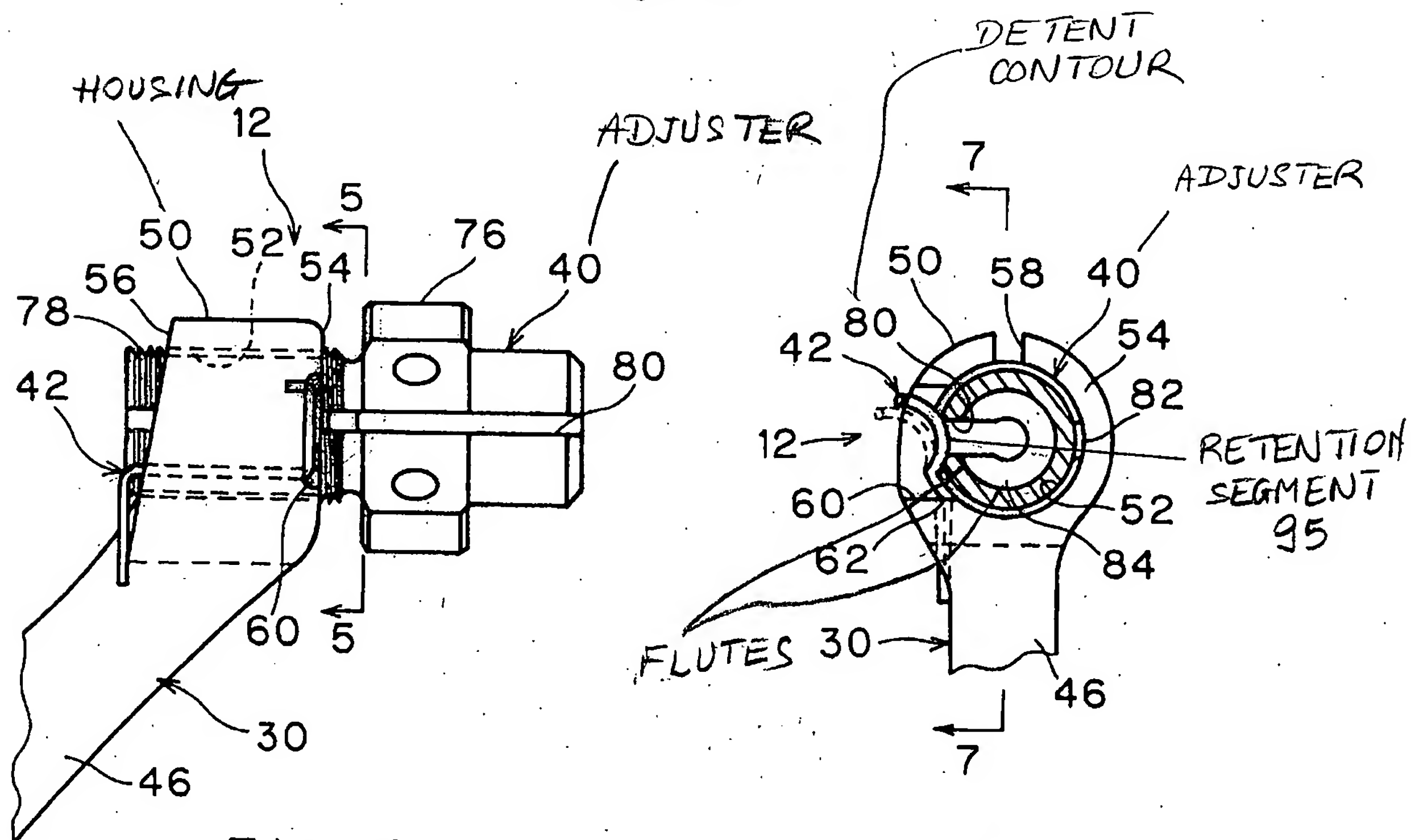


Fig. 4

Fig. 5

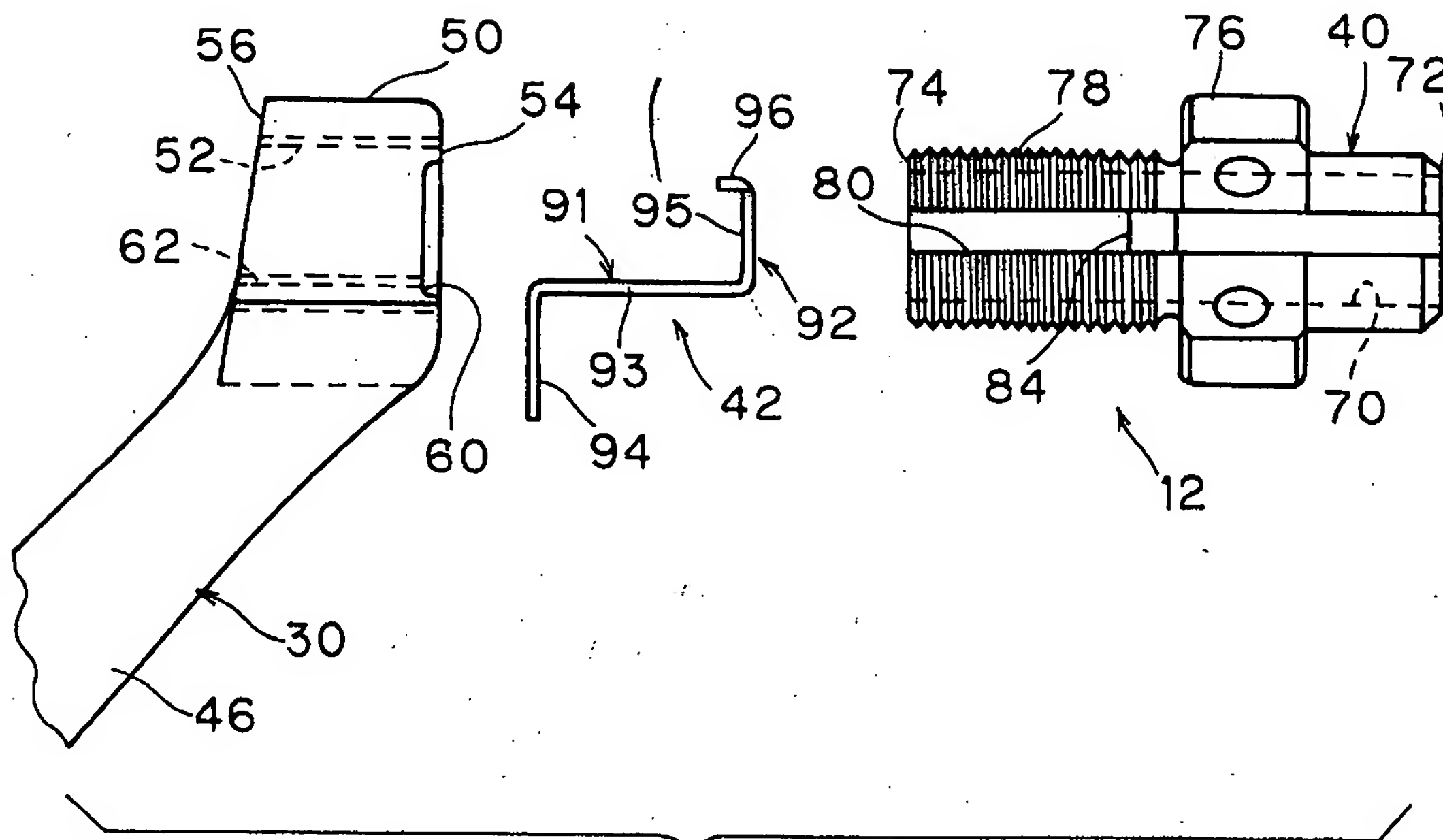


Fig. 6

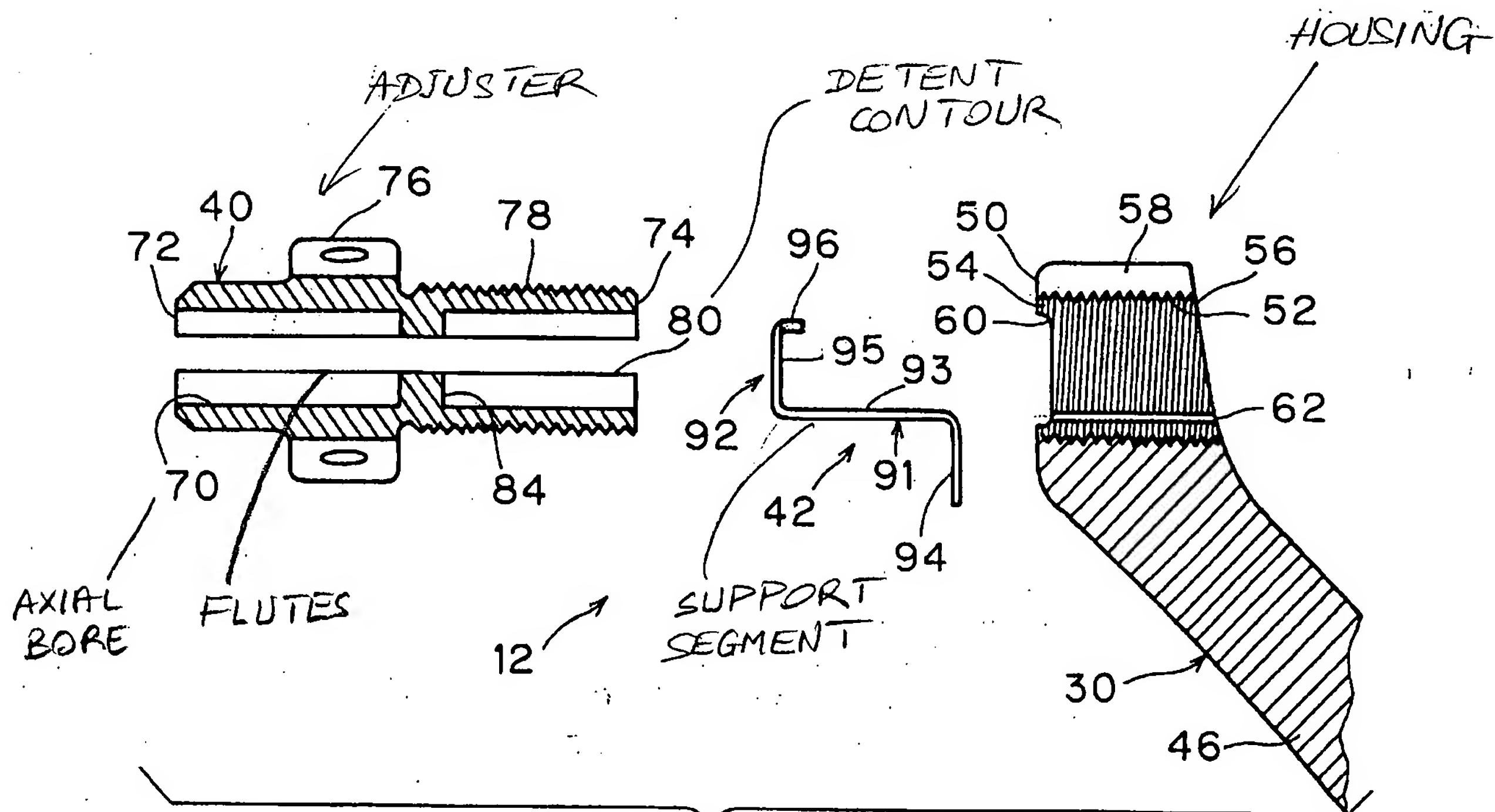


Fig. 7

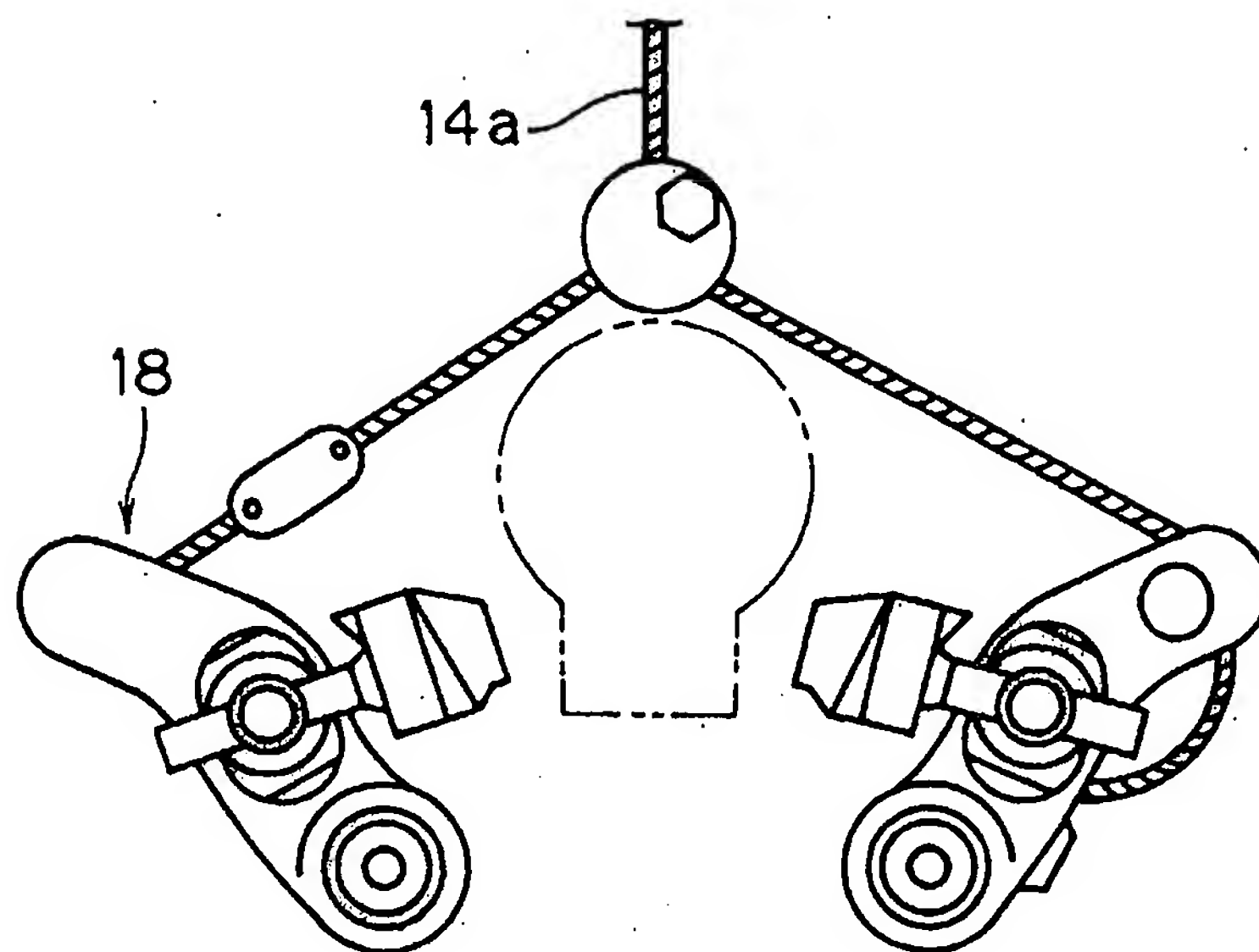


Fig. 8

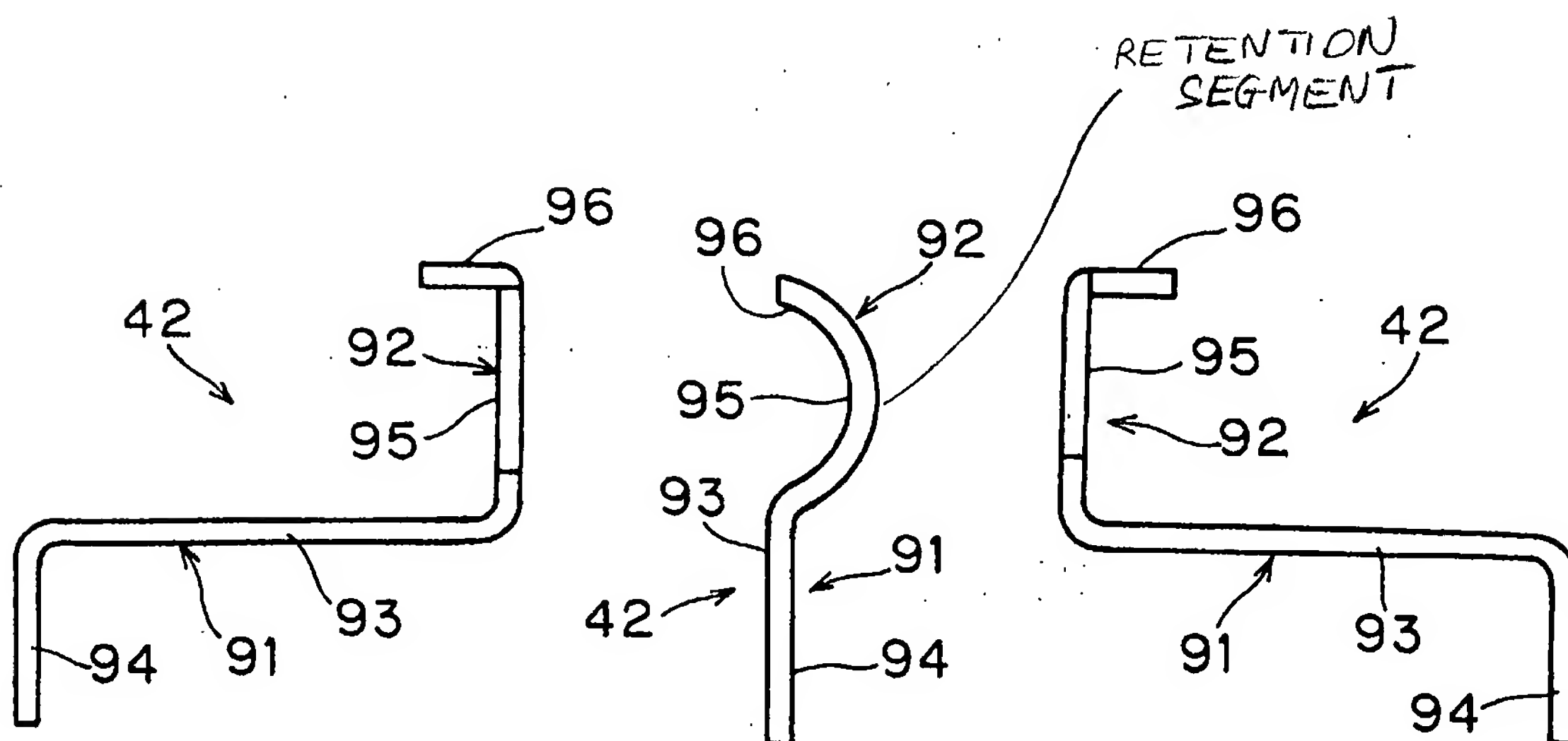


Fig. 9

Fig. 10

Fig. 11